

MINUTES OF BOARD MEETING

January 16, 2002
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Vice-Chair Gary Johnson at 10:00 a.m. on January 16, 2002 in the City Council Chambers, City of La Quinta, California.

1. Board Member Roll Call

Present: Mary Ann E. Martin Andreas, Dr. Dan Baxley, John Benson, Gary Johnson,
Leon M. Lesicka, Brenda Soulliere, Nancy Wright

Absent: Michael A Smith

2. Staff Present

Adnan Al-Sarabi, Alex Alimohammadi, Jeff Allred, Jose Angel, Sheila Ault, John Carmona,
Maria de la Paz Carpio-Obeso, Liann Chavez, Kristie Garcia, Phil Gruenberg, Abdi Haile,
Chris Igbiniedion, Theresa Illare, Kirk Larkin, Teresa Newkirk, Michelle Ochs, Robert Perdue,
Jon Rokke, Joan Stormo, Hilda Vasquez, Soni Wells, Susan Wilson and Doug Wylie

3. Others Present

David Camullo, Desert Solutions, Inc.
Toni Eggerbraaten, City of Cathedral City
Joel Hamby, City of Westmorland
Alan Harrell, Coachella Valley Water District
Laurie Holk, Riverside County Environmental Health Department - LEA
Tom Howard, State Water Resources Control Board - Exec
Hans Kernkamp, Riverside County Waste Management Department
Donald Kilgour, Desert Solutions, Inc.
Owen Kylie, concerned citizen
Lavelle Lesicka, concerned citizen
Rebecca Maddox, City of Cathedral City
Robert Nelson, Riverside County Waste Management Department
Lori Okun, State Water Resources Control Board - OCC
Barbara Panullo, Desert Solutions, Inc.
David Panullo, Desert Solutions, Inc.
Gerald Quick, Imperial County Environmental Health Department - LEA
Rex Sharp, Valley Sanitary District
Matthew Ward, Attorney
Michael Wochnic, California Integrated Waste Management Board

4. Minutes

Meeting of October 10, 2001

Note: Mr. Benson and Ms. Andreas abstained from voting.

MOTION: Dr. Baxley moved, Mr. Lesicka seconded, and motion carried unanimously that the Minutes be approved as submitted.

Meeting of November 14, 2001

Note: Mr. Benson and Ms. Wright abstained from voting.

MOTION: Dr. Baxley moved, Ms. Soulliere seconded, and motion carried unanimously that the Minutes be approved as submitted.

5. Public Forum

No one from the public chose to speak.

6. Uncontested Waste Discharge Requirements

Note: Proposed Board Orders No. R7-2002-0004 and R7-2002-0010 were pulled for further discussion.

Ms. Soulliere recused herself from discussing or voting on proposed Board Order No. R7-2002-0009.

A. NPDES Permits

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| KL | R7-2002-0001 | McCabe Union School District, Owner/Operator, Municipal Wastewater Treatment Plant, Collection and Disposal Systems – El Centro, Imperial County (Updated Order) |
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B. Waste Discharge Requirements

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| HA | R7-2002-0005 | Riverside County Waste Management Department, Owner/Operator, Blythe Waste Management Facility, Class III Sanitary Landfill, Class II Surface Impoundment - North of Blythe, Riverside County (Updated Order) |
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| JC | R7-2002-0009 | Valley Sanitary District, Owner/Operator, Irrigation of Pasturelands and Fields – Indio, Riverside County (Updated Order) |
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| R7-2002-0011 | Rescission of Waste Discharge Requirements |
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| CS | 90-010 | Havasu Palms Parker Dam – San Bernardino County |
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| SA | 96-052 | Synagro – WWT |
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MOTION: Ms. Andreas moved, Ms. Wright seconded, and motion carried unanimously that proposed Board Orders No. R7-2002-0001, R7-2002-0005, R7-2002-0009 and R7-2002-0011, be adopted.

7. Uncontested Waste Discharge Requirement (Pulled for Discussion)

KL R7-2002-0004 City of Westmorland, Owner/Operator, Wastewater Treatment Plant, Collection and Disposal Systems – Westmorland, Imperial County (Updated Order)

Note: Mr. Lesicka recused himself from discussing and voting on proposed Board Order No. R7-2002-0004.

Joel Hamby, City of Westmorland, gave a brief update of the status of the new wastewater treatment facility.

Phil Gruenberg commended the City of Westmorland on their progress.

MOTION: Dr. Baxley moved, Ms. Wright seconded, and motion carried unanimously that proposed Board Order No. R7-2002-0004 be adopted.

8. Public Hearing for Consideration to Adopt Proposed Board Order No. R7-2002-0010 for Desert Solutions, Inc. Composting Facility

SW R7-2002-0010 Desert Solutions, Inc., Owner/Operator, Desert Solutions, Inc. Composting Facility – Cathedral City, Riverside County (New Order)

The hearing was called to order, a roll call was taken, and those planning to testify took the appropriate oath.

Susan Wilson, Regional Board staff, gave an overview of activities proposed to take place at Desert Solutions, Inc. Composting Facility and recommended that proposed Board Order No. R7-2002-0010 be adopted.

Owen Kylie, concerned citizen, expressed his concern with herbicides used on materials eventually used to create composting material. He recommended the Regional Board require Desert Solutions, Inc. to line the entire facility. He argued that the holding tanks at the site would not be adequate to contain runoff if the channels held 1 foot of water, and recommended that the Regional Board require a bond of at least one million dollars.

Toni Eggerbraaten, Special Counsel - City of Cathedral City, stated she was available to answer questions and introduced Rebecca Maddox, Planner - City of Cathedral City.

Rebecca Maddox explained that the Desert Solutions, Inc. project came to the City of Cathedral City's Planning Department as a Conditional Use Permit (CUP) and Environmental Assessment. She stated that the Planning Department reviewed and researched the project and presented it to the Planning Commission as a CUP with a Mitigated Negative Declaration. She reported that the City of Cathedral City worked with staff of the California Integrated Waste Management Board, Regional Board, and Air Quality Board to incorporate their comments. She stated that these agencies accepted the Environmental Document prior to adoption. She added that the subject of the chemical Mr. Kylie

mentioned was not raised during this process. She also stated that the CUP was appealed by a number of citizens and the City Council upheld the appeal.

Regional Board staff, in response to Mr. Kylie's concern, confirmed that the Regional Board would not regulate the sale of compost produced by the facility, but other agencies would regulate the finished product.

David Panullo, Operation Manager - Desert Solutions, Inc., stated that he was available to answer the Board's questions.

Matthew Ward, Attorney representing Unincorporated Citizens of Cathedral City, stated that his clients filed a CEQA challenge and the final hearing date would be February 2, 2002.

Lori Okun, Staff Counsel, informed the Board that any responsible agencies, issuing subsequent permits in reliance on CEQA documents, were required to treat existing CEQA documents as valid, unless an injunction had been issued. She added that an injunction had not been issued in this matter, and Mr. Ward confirmed this.

Phil Gruenberg recommended adoption of proposed Board Order No. R7-2002-0010.

The Public Hearing was closed.

MOTION: Dr. Baxley moved, Ms. Wright seconded and a roll call vote was taken.

Ayes: Ms. Andreas, Dr. Baxley, Mr. Benson, Mr. Johnson, Mr. Lesicka, Ms. Soulliere and Ms. Wright

Nays: None

Motion carried unanimously that proposed Board Order No. R7-2002-0010 be adopted.

9. Discussion of Refuse Flow Reductions to Landfills with Fully Funded Closure Accounts

Mr. Wochnic, California Integrated Waste Management Board, reported that the December 2001 State Audit Report conducted on the CIWMB found landfills were delaying closure by trickling (reduced flows) and recommended revising regulations to address this problem. He stated that a preliminary draft of the revised regulations has been developed and that the CIWMB will conduct a Board Meeting in February 2002, for initiation of the formal regulation process.

Laurie Holk, Riverside County Environmental Health Department – LEA, discussed the status of landfills in Riverside County.

Robert Nelson, Riverside County Waste Management Department, explained that trickling was in the best economic interest of the public.

Gerald Quick, Imperial County Environmental Health Department – LEA, reported on the status of landfills in Imperial County.

10. Election of Chair/Vice-Chair

Ms. Wright nominated Michael A Smith for Chair, Ms. Andreas seconded, and motion carried unanimously.

Ms. Wright nominated Gary Johnson as Vice-Chair, Ms. Andreas seconded, and motion carried unanimously.

11. Reportable Violations of the California Water Code

Chris Igbiniedion, Regional Board staff, reported that a second Enforcement Policy Workshop was held on January 10, 2002, and comments were received. He stated that the SWRCB's Draft Water Quality Enforcement Policy would be presented, tentatively on February 19, 2002.

12. Informational Update on the TMDL Program

Tom Howard, Deputy Director – SWRCB, explained that he was Executive Advocate for the TMDL Program and planned to meet with each Regional Board to learn the various perceptions and ideas concerning the Program. He reported that the TMDL Program was given highest priority by the SWRCB. He added that the Environmental Problem Solving Approach was currently being implemented into the SWRCB.

13. Update on State Board Activities

There was no update given.

14. Regional Board Executive Officer's Report

Phil Gruenberg reported there would not be a WQCC Meeting held this spring due to budgetary concerns, however, a Chair/Vice-Chair Meeting would be held in March or April 2002.

Mr. Gruenberg reported that the City of Calexico's workshop to discuss New River improvement projects scheduled for January 17, 2002, had been postponed until further notice.

Mr. Gruenberg reported that San Diego State University had scheduled a workshop regarding New River pollution for February 20 – February 21, 2002.

Mr. Gruenberg also reported that the SWRCB would be conducting hearings on the Colorado River Water Transfer in conjunction with the 4.4 Agreement beginning on April 23, 2002.

15. Regional Board Staff Reports

Teresa Newkirk, Regional Board staff, gave an update on the TMDL projects the Regional Board was currently working on.

Jon Rokke, Regional Board staff, gave a presentation regarding the issuance of waivers and Senate Bill 390. Mr. Rokke explained that the thirteen waivers adopted by the Regional Board in 1993 would expire on January 1, 2003, if they were not renewed. He stated that the Regional Board staff's

suggestion is to allow waivers to expire. He added that the majority of waiver categories would be covered under other regulatory programs.

16. Board Member Comments

Mr. Johnson welcomed Mr. Benson as a newly appointed member of the Board.

17. Regional Board Chair's Report

There was no Chair's Report given.

18. Adjournment

The meeting adjourned at 12:45 p.m.